

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

D'MONTERRIO GIBSON

PLAINTIFF

V.

CIVIL ACTION NO.: 3:23-cv-54-DPJ-FKB

**FEDERAL EXPRESS CORPORATION, CITY OF
BROOKHAVEN, MISSISSIPPI, CHIEF KENNY
COLLINS, IN HIS INDIVIDUAL AND OFFICIAL
CAPACITY, BRANDON CASE, AND GREGORY CASE**

DEFENDANTS

PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT

COMES NOW D'Monterrio Gibson ("Plaintiff") by and through his counsel of record, and files this *Motion for Leave to Amend Complaint*. Plaintiff moves this Honorable Court to grant Plaintiff leave to amend his complaint and would state as follows:

1. Plaintiff filed his original Complaint on January 20, 2023 [Doc. 1].
2. Under the Federal Rule of Civil Procedure 15(a), a complaint may be amended "only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a).
3. This court has observed that "Rule 15(a) 'evinces a bias in **favor of granting leave to amend**.'" *Herrmann Holdings Ltd. v. Lucent Techs. Inc.*, 302 F.3d 552, 566 (5th Cir. 2002) (quoting *Dussouy v. Gulf Coast Inv. Corp.*, 660 F.2d 594, 598 (5th Cir. 1981)).
4. Since the filing of Plaintiff's complaint, pertinent information has been discovered regarding the facts in this matter.
5. As such, Plaintiff requests leave to amend complaint to add pertinent facts, amend facts that are asserted in the complaint, and add and/or remove causes of action.
6. Defendants shall not suffer any prejudice if Plaintiff is allowed to amend his complaint.

7. Additionally, Defendants have been queried via respective counsel, but have not indicated a position on the instant motion.
8. Based upon the foregoing, Plaintiff prays that this Honorable Court will grant his *Motion for Leave to Amend Complaint*, based upon the reasons, logic, and law set forth herein.
9. Plaintiff also prays for all other general relief this Honorable Court deems to be fair and just.
10. Given the straightforward nature of this motion, Plaintiff respectfully requests to be relieved of the requirement to submit a supporting memorandum pursuant to L. U. Civ. R. 7(b)(4).

WHEREFORE, PREMISES CONSIDERED Plaintiff prays that this Honorable Court will grant Plaintiff's *Motion for Leave to Amend Complaint*. Plaintiff also prays for all other general relief this Court deems to be fair and just.

Respectfully submitted, this the 19th day of April 2023.

D'MONTERRIO GIBSON

/s/ Carlos Moore
CARLOS MOORE, MSB #100685

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing pleading was transmitted via ECF to all counsel of record.

This the 19th day of April 2023.

/s/ Carlos Moore
Carlos Moore, MSB #100685